

**BOARD OF GAME AND INLAND FISHERIES MEETING MINUTES
4000 WEST BROAD STREET
RICHMOND, VIRGINIA**

JUNE 20, 2006, 9:00 a.m.

PRESENT: Sherry Smith Crumley, Chairman, C. Marshall Davison, William T. Greer, Jr., Richard E. Railey, Jr. (left at 12:55 p.m.), C. T. Hill, Randy Kozuch, Charles S. Yates, Thomas A. Stroup, Jimmy Hazel; **ABSENT:** John W. Montgomery, Jr., Ward Burton (schedule conflicts); **LEGAL COUNSEL:** Roger Chaffe; **INTERIM DIRECTOR:** Colonel W. Gerald Massengill; **SENIOR STAFF:** Ray Davis, Bob Duncan, Gary Martel, Charlie Sledd, David Whitehurst

Chairman Crumley called the meeting to order at 9:00 a.m. Visitors were welcomed, and the agency's mission statement was read for the record by Mr. Railey. Major Steve Pike led the Pledge of Allegiance to the Flag. A quorum was present.

Chairman Crumley announced that speakers would be requested to limit comments to three minutes. Those representing groups or organizations were requested to limit comments to five minutes.

1. Fredericksburg Easement: Colonel Massengill introduced Billy Withers, Vice Mayor for the City of Fredericksburg. Mayor Withers introduced a delegation representing the City of Fredericksburg that included Councilman Kelly and Councilman Girvan, City Manager Phillip Rodenberg and City Attorney Kathleen Dooley. Mrs. Dooley provided an overview of past events that have occurred that led to the City of Fredericksburg proposing that the Department of Game and Inland Fisheries, The Nature Conservancy and the Virginia Outdoors Foundation enter a conservation easement with the City to preserve approximately 4200 acres of land owned by the City that are adjacent to the Rappahannock and Rapidan Rivers and also located in the jurisdictions of Culpeper, Fauquier, Orange, Spotsylvania and Stafford Counties. The lands were acquired by the City of Fredericksburg in 1969 from Fredericksburg Power. The City adopted an Ordinance 06-08 on April 25, 2006 with a three quarters majority vote to proceed with the conservation easement. The Conservation Easement allows for the lands to be used for hunting and bank fishing.

The City requested the Board to approve the Conservation Easement that will be taken to the Virginia Outdoors Foundation on June 21, 2006. The document is also expected to be executed by The Nature Conservancy. The City intends to sign the conservation easement at its June 27, 2006 meeting.

Representatives from The Outdoors Foundation and The Nature Conservancy were in attendance, and Colonel Massengill provided an opportunity for them to comment. The Nature Conservancy indicated that they were pleased to be partnering with DGIF in this endeavor.

An opportunity was provided for Board members to discuss the proposed Conservation Easement.

Chairman Crumley called for public comments and there were none.

James Adams recommended that the Board accept the Conservation Easement. **Mr. Hazel moved, seconded by Mr. Davison, passed unanimously in a show of hands vote that the Board accept the City of Fredericksburg grant of a Conservation easement for approximately 4200 acres along the Rappahannock and Rapidan Rivers with Co-grantees with the Virginia Outdoors Foundation and The Nature Conservancy, and to authorize the Director to execute the Conservation Easement on behalf of the Board. Ayes: Hazel, Davison, Greer, Crumley, Railey, Hill, Kozuch, Yates, Stroup**

2. Public Comments, Non-Agenda Items. An opportunity was provided for the public to address the Board on non-agenda items.

Leon Turner, Fincastle, Virginia, representing the family of former Delegate A. Victor Thomas, thanked staff, the Board and the Department for the many expressions of sympathy and support given the family with the loss of Delegate Thomas.

Harold Dickinson, Broadway, Virginia, representing the Shenandoah Valley Sportsmen Alliance, expressed concern for the declining deer population in the western mountains of the Shenandoah Valley, and he asked the Board and the Department to endorse a study on the cause for the deer population decline in the locality of concern. He also asked for support of the U. S. Forest Service to promote habitat on federal lands that would be conducive to sustainable deer populations. He noted that deer harvest in Rockingham County has declined 26% in the last four years; yet the County is still listed in the Deer Management Plan as being a location where additional herd management is needed. He suggested that a reduced bag limit may be needed in the western mountains of the Valley.

3. Recognition of Employees and Others: Bob Duncan recognized Carol Heiser, Habitat Education Coordinator, for receiving the 2006 Northeast Conservation Information Education Association Conservation Communicator of the Year award. Mr. Duncan noted Ms. Heiser's many accomplishments and innovative work during her tenure with the Department. Ms. Heiser has written "Wild in the Woods" since 1991 and it is featured in the "Virginia Wildlife" magazine. In addition to her educational efforts with schools, and Department staff, she has also developed an educational workshop for the Master Gardners' program.

Bob Ellis introduced and congratulated Tim Donovan, the artist whose artwork will appear on this year's Virginia Migratory Waterfowl Stamp. The artwork depicts a pair of American black ducks. The artwork was selected from five other entries in this year's stamp contest.

Mr. Donovan thanked the Board, and presented the Department with a framed copy of his print. Proceeds from the Virginia stamp will be made available for critical habitat work.

Charlie Sledd recognized Ron Messina, Lee Walker, Susie Gilley and Mel White for receiving a Telly Award for the video "Look Outside, Peregrine Falcon". Telly Awards honor outstanding local, regional, and cable television commercials and programs, as well as video and film productions. Entries are judged on a high standard of merit and quality.

4. Minutes of Meetings: The minutes of the April 25, 2006 meeting have been posted on the Department's web site and copies were included in the meeting briefing materials. Chairman Crumley called for any additions or corrections to the minutes. As there were none, **Mr. Hazel moved, seconded by Mr. Stroup, passed unanimously in a show of hands vote, to approve the minutes as written. Ayes: Hazel, Stroup, Davison, Greer, Railey, Crumley, Hill, Kozuch and Yates.**

5. MUZZLELOADING GUN HUNTING: Bob Duncan presented the advertised regulation proposal to amend **4 VAC 15-90-80 (C)** to reinstate the early muzzleloading season either-sex deer hunting day on private lands in Grayson County, and (ii) make the early muzzleloading season in Grayson Highlands State Park and national forest lands in Grayson County buck only. During the open public input period, all comments heard favored the advertised proposal.

Chairman Crumley called for public comments and there was none. Board members were asked and declared that they had heard no ex parte comments during the open public comment period.

Mr. Yates moved, seconded by Mr. Railey, passed unanimously in a show of hands vote, to adopt 4 VAC 15-90-80 as advertised. Ayes: Yates, Railey, Davison, Greer, Crumley, Hill, Kozuch, Stroup and Hazel.

6. WEBLESS MIGRATORY GAME BIRD SEASONS: Because the federal framework has not been set by the Service Regulation Committee, Bob Duncan presented a federal framework and staff recommendations (based on past years) for webless migratory game birds the September goose, September teal and falconry seasons. Except as noted, shooting hours are one-half hour before sunrise to sunset in both the federal framework and seasons recommended by staff. Staff conducted a public input meeting on May 30, 2006 to solicit comments on webless migratory game bird seasons, the September Canada goose, September teal and falconry seasons.

FEDERAL FRAMEWORK: Dove: In past years, the dove season framework has allowed for a season of not more than 70 days, with two season lengths and bag limit options. Hunting dates could run consecutively or be split into no more than three segments, with outside dates of September 1 through January 15. Option A offers a season of not more than 70 days, with a bag limit of 12 daily, 24 in possession. Option B offers a season of not more than 60 days, with a bag limit of 15, 30 in possession.

Rails: Outside dates for past rail seasons have been September 1 through January 20 with a season of not more than 70 days, straight or in two segments. The bag limit for clapper/king rail is 15 daily, 30 in possession and sora/Virginia, 25 daily, 25 in possession.

Woodcock: Past outside season dates for woodcock have been October 1 through January 31, with a season of not more than 30 days, straight or in two segments. The bag limit is 3 daily, 6 in possession.

Common Snipe: Past outside season dates for common snipe have been September 1 through January 31, with a season of not more than 107 days, straight or in two segments. The bag limit is 8 daily, 16 in possession.

Canada Goose: Past outside season dates for the September Canada goose season have been September 1- 25, with a bag limit of 8, 16 in possession.

September Teal Season: Past outside season dates for the September teal season have been September 1-30, with a season up to nine days. The bag limit is 4 daily, 8 in possession (only blue winged and green-winged teal).

Falconry: Past outside season dates for falconry have been September 1 thorough March 10, with a season of not more than 107 days on any species (firearms and falconry combined). The bag limit is 3, 6 in possession.

STAFF RECOMMENDATIONS-Dove: Based on past season frameworks, staff recommended Option A, a 70-day, three-segment season; September 2 through September 23 (22 days), October 7 through November 4 (29 days) and December 28 through January 15 (19 days). The bag limit is 12 daily, 24 in possession. Shooting hours are noon until sunset during the first segment.

Rails: (Clapper, King, Sora and Virginia): Staff recommended season dates of September 8 through November 16 (70 days), with a bag limit of 15 counted together daily, 30 in possession for clapper and king rail. The bag limit for sora and Virginia rail is 25 counted together daily, 25 in possession.

Woodcock: A two-segment, 30-day season was recommended (November 4 through November 18 (15 days) and December 23 through January 6 (15 days). The bag limit is 3 daily, 6 in possession.

Common Snipe: Staff recommended a two-segment season (October 4-9, 6 days and October 23 through January 31 (101 days). The daily bag limit is 8, 16 in possession.

Canada Goose: Season dates recommended were September 1-25 (21 days), with a daily bag limit of 5, 10 in possession, statewide.

September Teal: Season dates recommended were September 16-25 (8 days), East of I-95. The bag limit is 4 daily, 8 in possession, any combination of blue-winged and green-winged teal.

Falconry: Dove: September 2 through November 4 (64 days); December 2 through January 13 (43 days). **Rail:** September 8 through December 23 (107 days). **Woodcock:** October 17 through January 31 (107 days). **Snipe:** October 4-9 (6 days) and October 23 through January 31

(101 days). **Goose:** September 1-25 (21 days). **Teal:** September 16-25 (8 days); east of I-95 only.

After an opportunity was provided for discussion of the recommended webless migratory game bird seasons, Chairman Crumley called for public input.

Robert Woolfolk, Louisa County, Virginia requested the Board to change the dove season dates in the second and third segments to coincide with duck seasons. He requested that the third segment open on December 30.

After Board discussion on Mr. Woolfolk's request, and after additional comment from Mr. Woolfolk, with the Board offering a compromise proposal and additional input provided by staff regarding hunter preferences, **Mr. Yates moved, seconded by Mr. Hazel, passed 8:1 in a show of hands vote, to accept staff's recommendations for the dove season. Ayes: Yates, Hazel, Davison, Greer, Crumley, Hill, Kozuch, Railey. Nay: Stroup.**

Legal counsel questioned the intent of the above referenced motion, and staff felt that clarification was needed. Mr. Duncan referred back to his Power Point presentation on the webless migratory gamebird seasons to clarify that the Board's motion authorized staff to adjust seasons, if necessary to conform to the federal framework. **Mr. Yates moved, seconded by Mr. Hill, passed unanimously in a show of hands vote, that the Board adopt the webless migratory game bird, September Canada goose, September teal, and falconry seasons and bag limits as recommended by staff, and to further authorize staff to modify seasons and bag limits if necessary, to comply with the established federal framework. Ayes: Yates, Hill, Davison, Greer, Railey, Crumley, Kozuch, Stroup and Hazel**

7. Committee Reports: Education, Planning and Outreach Committee: Ms. Crumley reported that a draft Committee Charter had been distributed to each member, and members were requested to review the draft and provide comments to the group. The Committee met May 24 and reviewed a list of items to be covered in the Board Orientation manual and beginning steps for developing the Director's performance evaluation were addressed. The Office of the Secretary of Natural Resources will be included in the development of the Director's performance expectations. Additionally, the Committee endorsed an outline on a strategic planning process that staff will present in full at the Committee's July 18 meeting.

Search Committee: Dr. Greer reported that the Search Committee had met and heard a report from Carol Rauschberg at the Department of Human Resource Management concerning the applicant pool for the director's vacancy. A time table was reviewed, and it is anticipated that the process will be completed by early September, with the new director in place by the end of October.

Wildlife and Boat Committee: Mr. Hazel reported that the Wildlife and Boat Committee did not have anything to report.

The Chairman announced a break at 10:15 a.m. and the meeting reconvened at 10:30 a.m.

Finance, Audit and Compliance Committee: Mr. Hill reported on the May 22 Finance, Audit and Compliance Committee meeting where the Committee's Charter was approved. A report was heard on the recently completed draft Federal audit and the audit completed by the Office of the Auditor of Public Accounts (APA). Both audits were very favorable, with a few recommendations made for possible improvements. The APA found that the Agency and the Board were complying with implemented policies and procedures, and he recognized staff for the work performed in recent months to improve policies and procedures.

A Power Point presentation was provided on both audits. The Federal audit is performed on a five-year cycle by the Office of the Inspector General of the U. S. Department of Interior. The audit was conducted on the two most recently completed fiscal years (2003 and 2004), and it also reviewed the report of the State Internal Auditor.

Mr. Hill noted for the record that from a grading standpoint, "adequate" is the best opinion the auditor can give on the internal control process, and the audit conclusion was the financial system was adequate. All reimbursements were necessary and reasonable. License certifications were based on official Commonwealth of Virginia records, and DGIF had an adequate system to account for and report license revenues.

Conclusions were the Department of Game and Inland Fisheries insured license revenues were used solely for fish and wildlife programs and controls over real property and equipment were adequate. DGIF complied with selected grant agreements, provisions and requirements of the Fish and Wildlife Service, and the Commonwealth of Virginia enacted assent legislation in compliance with the Acts.

Minor findings were: (1) DGIF did not report \$114,436 of program income. (Response: Cost overruns will offset the cost reporting program income.) (2) The Department used duplication rates based on a survey older than five years. (Response: A duplication study is in process that will be completed by the 2006 certification. The Department was also following the guidance of Region 5 for program income during the process.) (3) The Department transferred computer related equipment to another state agency (Virginia Information Technology Agency). (Response: DGIF is working with VITA to insure that the equipment will only be used by DGIF.) (4) The Department needs to improve its assets management process. (Response: This has been addressed by the assets policy.)

Mr. Hill also reviewed the report of the Auditor of Public Accounts. A copy of the APA's letter was provided, and Mr. Hill noted that the report reflects that "DGIF has established adequate written policies and procedures to address prior deficiencies that comply with established Commonwealth policies and procedures and other relevant laws and regulations. Game has controls, which they follow, to monitor compliance with their policies and procedures, and the Board has established policies and procedures including, but not limited to, Board governance, the role of the Chairman and the performance criteria for evaluating the Director."

Recommendations provided by the APA were: (1) The Board needs to complete an orientation program. (2) Complete the game director's performance expectations. (3) Game should prepare

and implement policies and procedures to address the loaning of equipment for Game's mission-related activities. (4) Game needs to complete and implement a comprehensive vehicle policy. (5) Game needs to complete the definition of standard equipment for non-sworn personnel. (6) The Board and Game have established strong internal controls for oversight and compliance, however the controls could be improved by having an internal audit function that is independent of Game management. and (7) Game's media policy addresses the State Internal Auditor's recommendations, however, the policy should also require media services to submit their quarterly project data's report to the Board.

Mr. Hill noted that the Education, Planning and Outreach Committee is developing an orientation program and performance expectations for the director, and the Department is developing policies and procedures to address the loaning of equipment, agency vehicle use and standard equipment for non-sworn personnel. Additionally, the Department is examining the potential of establishing an internal audit function in cooperation with other state agencies. The media policy quarterly project update will be presented to the Finance, Audit and Compliance Committee at least quarterly.

Financial Report: Colonel Massengill reviewed the new financial report format for the Board that reflected that revenues, both federal and state, have remained constant. Additionally, the agency anticipates ending the year with a \$3.5 million balance.

The new report format includes an overview of agency expenditures, by category. The Colonel did note for the record that the Department has not yet been reimbursed for the costs incurred when game wardens were deployed to Mississippi in response to the Hurricane Katrina emergency. At this time, the Department is approximately 2.2% under budget.

The expanded financial report also reports on division expenditures. Colonel Massengill indicated that the Department operated with approximately 10% less cash in 2006 than in 2005, but anticipates ending the year with approximately \$22.9 million to carry forward into 2007. These carry forward funds are used to pay agency operating expenses in the four months that license revenues are down. Colonel Massengill noted that the agency's operating costs are approximately \$4 million per month, thus the carry forward funds will be used to cover expenses until the agency begins to receive license revenues for 2007.

Review of 2007 Operating Budget: Colonel Massengill noted that the budget is structured on the Agency's mission statement and includes four functional program areas: wildlife associated and boating outdoor recreation, wildlife associated and boating outdoor education, environmental diversity, and administration. The operating budget cannot exceed the agency's legislative appropriation of \$49.5 million and the legislative authorized maximum employment level of 493. The Department operates on the principle that personnel costs should not exceed 60% to 65% of its total operating costs.

Anticipated revenues and transfers for FY 2007 are \$50.4 (\$11.5 federal, \$4.1 boat, \$14.3 HB 38 and watercraft sales and use tax, \$17.3 license revenue and \$3.2 from other sources). Programmatically, \$39.5 million has been budgeted for recreation, \$5.5 for environmental diversity and \$4.5 for education. Division budgeted allocations are: Director's Office, \$1.2

million, Administrative Services, \$9.0 million, Communications, \$2.0 million, Fish Division \$7 million, Law Enforcement Division \$19.6 million, Wildlife Diversity \$3.9 million and Wildlife Division \$6.8 million. All division budgets are less than the 2005 allocations.

Mr. Hazel asked staff to provide additional information to him on how the agency's boating education efforts are funded.

The proposed capital outlay budget is \$4.4 million. However, it is anticipated that the Department will receive \$1.9 million reimbursement for projects for the current fiscal year and \$2.1 million for previous fiscal year projects. Therefore the Department's estimated net total cost will be \$415,051. The only large, new projects anticipated for fiscal year 2007 includes the engineering study for the Coursey Springs Fish Hatchery and the Regional I office (Rice Property).

Budget highlights included:

- Estimated total revenue for the year is slightly higher than the adjusted operating appropriation.
- Reimbursements from the previous year capital purchases should provide \$2,107,961 to offset planned capital costs.
- Revenue estimates do not include consideration for proposed license fee increases.
- HB 38 transfers will increase by about \$110,000.
- Watercraft sales and use tax transfers should increase by \$1,892,623.

Budget highlights for personnel are:

- Overall personnel budget is \$3,703,052 higher than FY 06.
- The budget provides for the maximum recruitment of new game wardens (190 full time sworn officers).
- All agency vacancies were adjusted for time prior to recruitment and positions with known retirements were adjusted for turnover.
- Appropriation act includes a 4% salary increase for personnel. This will increase costs by an additional \$800,000 in the current fiscal year.
- Some current vacancies (approximately 16) in Wildlife, Wildlife Diversity and Administration were not funded and will remain vacant.
- Positions of known retirees were not funded after the retiree leaves. These positions will be evaluated later in the fiscal year.

- Part time employee hours were reduced (51 to 48) in some program areas and no expansion beyond historical use was funded. Some vacant salaried positions were converted to P-14s.
- Dollars were set aside for non-COLA related salary adjustments and career advancement cost during the year.

Non-Personnel Budget Highlights are:

- The non-personnel budget is \$301,267 less than FY 06.
- Reductions in printing, personnel training, and travel, external contracts for service and research (adjustments to historical costs only).
- Increases in gasoline, supplies and other goods to reflect increased costs to the agency.
- Increases to continuous charges to reflect increased costs to agency.
- A decrease in the agency's equipment budget.
- A change in equipment configuration, i.e., cars for upper management in Law Enforcement versus SUV's.
- Off-road equipment requests were cut or severely reduced.
- A reduction in watercraft purchases, and
- Reductions in requests for most other equipment.
- Computer equipment costs were moved to service costs.

For the record, Mr. Hill noted that initial budget requests amounted to approximately \$55 million, and those requests had to be cut to meet the \$49.5 appropriation.

Mr. Hill moved, seconded by Mr. Stroup, passed unanimously in a show of hands vote, to adopt the 2007 budget as proposed by staff. Ayes: Hill, Stroup, Davison, Greer, Railey, Crumley, Kozuch, Yates and Hazel.

License Fee Increase: Charlie Sledd was requested to present the regulation proposal to increase license fees by \$5.00, exempting all youth licenses, by amending **4 VAC 15-20-65** to increase hunting, trapping and fishing license fees and some permit fees, for persons 16 years of age and older by \$5.00, effective July 1, 2006.

The regulation proposal was advertised statewide in 11 newspapers, posted on the Agency's Web site, and placed in the Virginia Register of Regulation's publication. The public comment period opened on May 2 and closed on June 1. Comments were received from 269 individuals.

Ms. Crumley reported for the records that she had received 18 exparte comments on the advertised proposal during the open public comment period.

Staff recommended that the Board adopt the regulation amendment as final in the form in which it was proposed at the April 25, 2006 meeting, with an effective date of July 1, 2006.

Leon Turner, Fincastle, Virginia, representing Tri-County Forestry and Wildlife Association felt that the overall \$5.00 fee increase was too high. He suggested that \$5.00 would be appropriate for non-resident licenses, and he asked for a lower fee increase for Virginia residents. He reviewed some of the past implemented funding opportunities that have since been eliminated, i.e., the wildlife print that is now a function of Ducks Unlimited. The trout season opening day has been eliminated, tags have been removed from the archery and muzzleloading licenses, and the fall turkey season has been shortened. He feels constituents are disappointed due to these lost services. He urged the Board to look at requiring canoeists to register their canoes, and urged the agency to promote the agency through the wildlife conservationists license tags.

Phil Smith was asked how many of the 269 received comments were in opposition to the license fee increase, and he indicated that comments are not categorized.

Pete Lewis declined to comment.

Ms. Crumley reported that a National Shooting Sports Foundation study reported that the number of hunters has declined by 7% since 1991, but spending on hunting trips and equipment has increased 29% during the same time. Additionally, 70% of people who had hunted reported they no longer hunt due to a lack of time, but only 4% said that costs keep them from hunting.

Mr. Stroup commented that the Finance, Audit and Compliance Committee felt that the agency is operating as efficiently as possible. He stated further that the recent audit shows that needed controls are in place.

Mr. Hazel referenced comments received regarding the prohibition of Sunday hunting as being the reason the commenter did not support the proposed fee increase. He suggested that the Board might need to revisit its position on this issue.

Ms. Crumley stated that she has discussed this issue with Board member Montgomery, and they requested staff to look at the impact on the Department of Sunday hunting. Mr. Hazel concurred. He suggested that the Wildlife and Boat Committee would evaluate this issue.

Prior to presenting a motion to the Board, on behalf of the Finance, Audit and Compliance Committee, Mr. Hill suggested one amendment to the proposed advertised regulation proposal regarding the daily permit fee for designated stocked trout waters. The present fee is \$3.50 and it

was advertised to increase to \$8.50. The Committee felt that \$5.50 would be more appropriate for this permit fee. **Mr. Hill moved that the Board approve the regulation amendment as presented, with the amendment to raise the daily permit fee for stocked trout waters to \$5.50 (not \$8.50 as advertised), effective January 1, 2007, seconded by Mr. Hazel, passed unanimously in a show of hands vote. Ayes: Hill, Hazel, Davison, Greer, Railey, Crumley, Kozuch, Yates and Stroup.**

Mr. Railey moved, seconded by Mr. Hill, passed unanimously in a show of hands vote to increase license fees by \$5.00 as amended for persons age 16 and older with an effective date of July 1, 2006. Ayes: Railey, Hill, Davison, Greer, Crumley, Kozuch, Yates, Stroup and Hazel.

SPCC Committee Report: Mr. Hill reported that he met with the Small Purchase Charge Card (SPCC) Committee and reviewed small purchase credit card activity for the agency. A random review was performed on 10% of the cards to insure compliance with procedures and to address any findings of concern.

10. Election of Board Chairman and Vice Chairman: Mr. Davison reported that the Nominating Committee presented its slate of officers to the Board at the March 21, 2006 Board meeting. The Committee nominated John W. Montgomery, Jr., as the Chairman elect and Sherry Smith Crumley for the Vice-Chairman's position.

Mr. Davison moved, seconded by Mr. Hazel passed unanimously in a show of hands vote to elect John W. Montgomery, Jr., as Board Chairman and Sherry Smith Crumley as Vice Chairman. Ayes: Davison, Hazel, Greer, Railey, Crumley, Kozuch, Hill, Yates, and Stroup.

11. Chairman's Comments: Chairman Crumley felt that the public comments heard show that constituents do not understand that Sunday hunting is a legislative issue. Additionally, constituents did not understand that it was not until 2004 that the General Assembly granted the Board the authority to adjust license fees. Constituents were also unaware that the enabling legislation to adjust license fees only permits the Board to increase fees one time, by no more than \$5.00, during a three-year period.

Ms. Crumley indicated that the Board is pursuing the authority to eliminate the \$5.00 ceiling on non-resident fee increases.

As a result of the comments heard, Ms. Crumley and Colonel Massengill drafted a letter to constituents that was placed on the Department's Web site. This form of communication will continue between the Director and the Board Chairman to constituents.

Ms. Crumley thanked staff and the Board for the support that she has received during her Board chairmanship. She commended all for the many achievements over the past 16 months.

On behalf of the full Board, Mr. Davison thanked Ms. Crumley for her leadership on the Board. He also requested printing the Chairman's and Director's letter to constituents in Virginia Wildlife.

12. Director's Report: Colonel Massengill thanked Ms. Crumley for her service as Board Chair.

Colonel Massengill reported that the Department of Game and Inland Fisheries celebrated its 90th anniversary on June 17, 2006. The Department was founded on June 17, 1916 in the cloak room of the General Assembly.

A pictorial presentation was provided on the five recent dedication ceremonies held around the state celebrating new and/or improved Department facilities. Each dedication ceremony was attended by at least one Board member. Ceremonies were conducted at the new Featherfin Wildlife Management Area located in Appomattox, Prince Edward and Cumberland Counties, the Cavalier Wildlife Management Area in Chesapeake, the Marion Regional Office, the Gloucester Point boat ramp and the renovated King and Queen Fish Hatchery. Colonel Massengill reported that the dedication ceremony presentation will be placed on the Department's Web site.

Efforts are underway to improve safety on Smith Mountain Lake. The newly marked patrol boats, outfitted with radar units, are being used on the Lake. Comments heard are positive. The radar units are being used to help our Law Enforcement staff determine actual boat speeds on the lake and to strengthen credibility with the General Assembly on legislative initiatives that may be needed.

Copies of the 2006 Budget conferee report were provided to each Board member for review. Colonel Massengill reported that the Office of the Secretary of Natural Resources has requested the Department to comment on the Conferee report. Of concern, was the budget amendment requiring the Department to dedicate \$25,000 per year for navigational aids on Smith Mountain Lake. The legislation was introduced as a general fund allocation. The Board concurred that this concern should be shared with the Secretary's office.

The second issue of concern was the proposal to change the Department from a Level I to a Level II agency. Colonel Massengill noted that the Department has the second largest law enforcement unit in the state; it is the largest single landowner with over 200,000 acres, and it cooperates in the management of over 1 million acres of national forest lands. The Department has statewide authority for areas of responsibility.

Mr. Hazel moved, seconded by Mr. Hill, passed unanimously in a show of hands vote, to direct the Interim Director to bring the Level I concern to the attention of the Office of the Secretary of Natural Resources and the Governor. Ayes: Hazel, Hill, Davison, Greer, Railey, Crumley, Kozuch, Yates and Stroup.

Colonel Massengill reported that the Rice Property office project is proceeding, but not on schedule. He indicated also that the agency needs an office facility in the Norfolk area to increase efficiency.

Gary Martel was recognized. He reported that he appeared before a congressional committee to speak in support of transferring the Paint Bank and Wytheville Fish Hatcheries to state ownership. The Department has been operating the two facilities under a memorandum of agreement since 1983 at no cost to the agency. Because the Department does not own the facilities, it cannot perform needed capital renovations. These facilities provide approximately 40% of the trout that is raised by the Department for state waters.

Bob Ellis presented an overview of the Department's response to avian influenza (bird flu) in wild birds. This is a virus associated with birds. Mr. Ellis reported that Virginia is classified as a priority state because of its location (the Chesapeake Bay, the migratory routes, and the migratory birds that come to the area, particularly the targeted species), and as of result, an Avian Influenza Work Task Force has developed an Avian Influenza (AI) Surveillance and Response Plan for Highly Pathogenic Avian Influenza. A copy of the plan was provided to each Board member.

The AI virus can be transmitted via illegal movement of domestic or wild birds, contaminated products, an infected traveler, bio terrorism, or potentially through infected wild birds. Because of the potential for spread by migrating birds, through an United States interagency strategic plan developed by USDA and the Department of Interior, the need for a national surveillance system for H5N1 was identified, and the four flyways were required to develop flyway plans. The Department is entering into an agreement with the USDA and will receive \$80,000 in grant funds to conduct AI surveillance. The Department has selected four species of concern (tundra swan, greater snow geese, Atlantic brant and mute swan). The goal is 800 annual samples from the targeted species. Mortality and morbidity events, particularly in the targeted species, will also be monitored for AI. Live bird sampling will commence in August. Hunter harvested birds will also be sampled. The USDA will sample shore birds with the assistance of Department staff. Avian Influenza is a reportable disease, and an unknown strain was recently found on Prince Edward Island.

Colonel Massengill shared with each Board member a copy of a Memorandum of Agreement that the Department is executing with the Southeastern Association of Fish and Wildlife Agencies that will provide \$5000 annually for three years to support the Northern Bobwhite Conservation Initiative that will continue to look at quail population issues. This is a multi-state initiative.

Colonel Massengill presented an overview of a reorganization effort for the Department to improve agency outreach utilizing existing resources, with an anticipated completion date of August 1, 2006. The Law Enforcement Division has been reorganized to conform to the structure of traditional police departments. Career track has been implemented, and lieutenant positions have been created that are currently under recruitment. They will serve as assistant captains and act as media liaisons to insure that critical information is being shared in a timely manner.

Colonel Massengill commented that the hunter and outdoors education programs are tremendous assets to the Department. To maximize these program's benefits, an Information and Education Section will be created to unite all of the agency's education efforts, including our public relations and Project WILD efforts.

An assistant division director's position will be established and advertised to supervise the new Information and Education Section. This individual will need a strong background in media outreach and management, and will be supervised by David Whitehurst, Wildlife Diversity Division Director. Mr. Whitehurst will continue to supervise the Wildlife Diversity Division.

Hunter education sergeants will align under Region Captains through the new Region Lieutenants, effective July 1. These individuals will continue to conduct all of the agency's hunter education efforts and assist with outdoors education events.

A Boating Safety Unit will be created, utilizing the vacant boating education coordinator's position. Charlie Sledd's tremendous background in boating safety initiatives will be utilized by having him assume the role as the Boating Safety Unit Manager.

Closed Session: At 12:55 p.m., Mr. Hazel moved, seconded by Mr. Railey, passed unanimously, that the Board go into a closed meeting pursuant to § 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees or employees of the Department of Game and Inland Fisheries, specifically regarding the performance of the Interim Director, and further pursuant to § 2.2-3711.A.7 of the Code of Virginia for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel. Ayes: Hazel, Railey, Davison, Greer, Hill, Kozuch, Crumley and Yates and Stroup.

At 1:53 p.m. Mr. Hazel moved open session, seconded by Mr. Hill, passed unanimously. Ayes: Hazel, Hill, Davison, Greer, Crumley, Yates, Stroup and Kozuch.

Mr. Hazel certified, seconded by Mr. Yates, passed unanimously in a show of hands vote, that whereas the Board of Game and Inland Fisheries had convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas § 2.2-3712.D of the Code requires a certification by this Board that such closed meeting was conducted in conformity with Virginia law, now, therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (i) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applied, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Ayes: Hazel, Yates, Davison, Greer, Hill, Crumley, Kozuch and Stroup.

Mr. Hazel reported that Verizon has pledged \$30,000 to sponsor the Southeastern Association of Fish and Wildlife Agencies conference that is being hosted by Virginia in November. Board members were encouraged to participate in this conference to the extent their schedules would allow.

Ms. Crumley announced that the next meeting of the Board is August 22, 2006.

Adjournment: As there was no further business, at 2:00 p.m., **Mr. Yates moved adjournment, seconded by Mr. Hill, passed unanimously in a show of hands vote. Ayes: Yates, Hill, Davison, Greer, Crumley, Kozuch, Stroup and Hazel.**

Respectfully submitted,

Belle Harding
Recording Secretary